

Article - Real Property

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§8–604.

(a) A demand for trial by jury under this subtitle shall be subject to review by the District Court.

(b) If the jury demand is filed at the first scheduled appearance in accordance with § 8-602(b) of this subtitle, then any party to the action contesting the jury demand shall, at the first scheduled appearance, object to the jury demand and describe the basis of the invalidity of the jury demand.

(c) If the jury demand is filed at a time other than the first scheduled appearance in accordance with § 8-602(a) or (b) of this subtitle, then any other party to the action contesting the validity of the jury demand shall file an “objection to jury demand” within 10 days of the filing of the jury demand which such objection shall describe the basis of the invalidity of the jury demand, provided, however, that the “objection to jury demand” shall be filed at the first scheduled appearance if that occurs prior to the expiration of the period set forth in § 8-602 of this subtitle.

(d) In the event that a jury demand and an “objection to jury demand” is filed in accordance with § 8-602 of this subtitle and subsection (b) of this section:

(1) If an “objection to jury demand” is filed under subsection (b) of this section, the court shall consider the validity of the jury demand at the time of the first scheduled appearance of the parties;

(2) If an “objection to jury demand” is filed under subsection (c) of this section at a time other than trial, the court shall set the objection in for a hearing before the trial; or

(3) If the “objection to jury demand” is filed at the time of trial under subsection (c) of this section, the court shall consider the validity of the jury demand at trial.

(e) In the event a jury demand is filed prior to the first scheduled appearance and the time for filing an objection under subsection (c) of this section shall not have expired prior to the first scheduled appearance, and all other parties to the action file a “nonobjection to jury demand” at least 1 day prior to the first scheduled appearance, or if the time for filing an objection under subsection (c) of this section shall have expired prior to the first scheduled appearance and no objection

having been filed, then the action shall be removed from the docket and transferred to the circuit court.

(f) In the event that a jury demand is made under this subtitle, the District Court shall not be divested of jurisdiction and the matter shall not be removed to the circuit court until such time as the District Court has reviewed the jury demand, provided, however, that any hearing on the validity of a jury demand under this subtitle must occur within 10 days of the date of jury demand.

(g) (1) The District Court's review of the validity of a jury demand shall be limited to:

- (i) Timeliness of the jury demand;
- (ii) The amount in controversy; and
- (iii) The existence of a valid waiver.

(2) In the event that the District Court finds that the jury demand is invalid, the matter shall proceed in the District Court; however, upon conclusion of the District Court trial any party filing a jury demand determined invalid by the court may include the validity of the jury demand in an appeal, as set forth under the Maryland Rules.

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